

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE  
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,  
ON WEDNESDAY, OCTOBER 6, 1999.**

**Members Present:** Patrick J. Gilmartin, Chairman  
William Hoffman  
Peter Lilienfield  
Allen Morris, Secretary  
Patrick Natarelli

**Also Present:** Kevin J. Plunkett & Lino J. Sciarretta, Village Counsel  
Jon Jenkins, Ad Hoc Planning Board Member  
John Lynch, Planning Board Consultant  
Richard Fon, Building Inspector  
Florence Costello, Planning Board Clerk  
Thomas Jackson, E.C.B.  
J&L Reporting Service for Westwood Development Associates  
Applicants and other persons mentioned in these Minutes  
Members of the Public.

**IPB Matters**

**Considered:**

**94-03 -- Westwood Development Associates, Inc.**

Sht.10,P25J2,25K2,Sht.10C Bl.226,Lots 25A,26A

**98-12 -- Boran Construction**

Sht. 5, Bl. 212, Lot 4 & 5

**98-44 -- Ciccio & Chernick**

Sht. 10C, Bl. 226, Lot 25

**99-23 -- Irvington Associates, Legend Hollow**

Sht. 12B, Lot 25 & 31

**99-31 -- Danfor Realty Co. (Fatato Subdivision)**

Sht. 13B, P5 P5C

**99-33 -- Mackie & Martucci Subdivision**

Sht. 2, P-109P12

**99-47 -- Danfor Realty -- 116 Main Street (Informal**

Sht. 7C, Bl. 217, Lot 1, 40

**99-48 -- Scott & Alexandra Ehrlich**

Sht. 12B, Lot 55

**99-49 -- Andrew & Anita Salzberg**

Sht. 15, P-121B

**99-50 -- Jared & Amy Zerman**

Sht. 10D, Bl. 240, Lot 4, 5

**99-51 -- Douglas McClure**

The Chairman called the meeting to order at 8:00 p.m.

**Administrative:**

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.
2. **IPB Matter #98-19: Application of Douglas & Cheryl Cohen for Amended Site Development Plan Approval for Lot 13, Legend Hollow.** The Planning Board received drawing "Site Plan Cohen Residence, Lot 13, Legend Hollow dated 8/18/99, last revised 9/22/99" with note "no swimming pool is to be built on this lot" as requested at the September 8, 1999 Planning Board meeting.

**IPB Matter #99-48:**

**Application of Scott & Alexandra Erlich for Site Development Plan Approval for property at 15 Beckett Close.**

Mr. Scott Ehrlich appeared personally. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The proposed property development is for an existing 12 ft. x 20 ft. wood deck located at the northeast corner of the residence to be enlarged by 12 ft. x 14 ft. The new deck section will be two steps lower than the existing deck and have a stair down to the yard. Drawing "Proposed Deck Extension, Erlich Residence, 15 Beckett Close, prepared by John Annunziata, P.E., dated 8/23/99" was submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval, and as a Type II Action for SEQRA purposes. There were no comments from the Board's Consulting Engineer or the public.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does

not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

**IPB Matter #99-49:**

**Application of Andrew & Anita Salzberg for  
Waiver of Site Development Plan Approval for  
property at 4 Roland Road.**

Justin Minieri, Architect, appeared for the Applicant. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. The proposed design calls for a one-story addition in rear yard (430 sq. ft.) and second floor addition over existing garage (1362 sq. ft.). The existing footprint will be increased by 20% and the lot coverage will be 12.6%. The Chairman noted receipt of a zoning variance granted at the September 21, 1999 meeting of the Zoning Board of Appeals.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA. There were no comments from the Board's consulting Engineer or the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan or

Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

**IPB Matter #99-50:**

**Application of Jared & Amy Zerman for Waiver of Site Development Plan Approval for property at 4 Riverview Terrace.**

Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of a 4' x 4' vestibule addition to the north side of the residence. Applicant submitted a plan entitled, Vestibule Addition to Zerman Residence dated September 20, 1999.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the Board's Consulting Engineer or the public. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

**IPB Matter #99-51:**

**Application of Douglas McClure for Site Development Plan Approval for property at 12 South Eckar Street.**

Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of a two-

story addition to the rear of the existing residence that will extend the house 7'6" further west, and will be the full width of the house, approximately 19'. The proposed addition will increase the volume of the house by approximately 3000 square feet. Drawings submitted were: One set of plans, prepared by M&M Designs dated August 24, 1999 and a Survey of Property prepared by The Munson Company, dated June 30, 1999. The Chairman noted receipt of a variance granted by the Zoning Board of Appeals at its July 20, 1999 meeting to permit construction of an addition to the rear of the existing residence.

The Chairman, with the Board's concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the Board's Consulting Engineer or the public. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship, and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

**IPB Matter #98-12:**

**Application of Boran Construction Corp., for  
Site Development Plan Approval for property  
at 76 Main Street.**

Kenneth Nadler, Architect, appeared for the Applicant. As requested by the Board at its September 8, 1999 meeting, Mr. Nadler submitted drawings showing external lighting and other minor changes: 1) Proposed Development for Boran Construction Corp., prepared by Petruccelli Engineering, dated June 24, 1999 revised September 16, 1999 Sheet 1 of 2 Sheets, 2) Proposed development: Details for Boran Construction Corp., prepared by Petruccelli Engineering, dated June 24, 1999, last revised September 16, 1999, Sheet 2 of 2 Sheets, 3)

Existing Site Plan for Boran Construction Corp., prepared by Kenneth R. Nadler Consulting, LLC, dated March 13, 1998, SP100, 4) Proposed Site Plan for Boran Construction Corp., prepared by Kenneth R. Nadler Consulting, LLC, dated March 13, 1998, SP101, 5) Existing and Proposed Site Plans for Boran Construction Corp., prepared by Kenneth R. Nadler Consulting, LLC, dated March 13, 1998, SP201, 6) Existing and Proposed Site Plans for Boran Construction Corp., prepared by Kenneth R. Nadler Construction, LLC, dated March 13, 1998, SP202. There were no comments from the public and no engineering concerns as the cited concerns were addressed in the site plans.

Board discussion agreed that parking questions on Main Street were a Police rather than Planning Board concern. After discussion, the Board took the following action. It approved the above referenced drawings.

**IPB Matter #99-33:**

**Application of Robert & Katherine Mackie and Katherine Martucci for Subdivision of property North of Bridge Street.**

Norman Sheer, Esq., appeared for the Applicant. This application for subdivision of a two acre vacant parcel of land on the north side of Bridge Street was carried over from the September 8, 1999 meeting. Richard M. Gardella, Esq., of Bertine, Hufnagel, Headley, Zeltner, Drummond & Dohn, LLP, representing Barbara and H. Rodgin Cohen, owners of property located at 21 Matthiessen Park presented a letter written today by Evelyn Seidman of Sullivan & Cromwell, attorneys for Mr. and Mrs. Cohen, which was not delivered prior to the Planning Board meeting. In essence the letter says the subdivision does not conform to Village Zoning Code (flag lots not allowed), proper notice of the application was not given to the Cohens, and that the easement relied on by the Applicant for access to the property for which subdivision approval is requested no longer exists. Mr. Sheer disputed each point. The Chairman observed that he did not give much weight to the claim of inadequate notice, but requested the Village Counsel to review all claims made in the letter and advise the Board of his conclusions. Mr. Sheer said he would also submit his analysis of the claims to the Village Counsel.

The Chairman read aloud a letter from David K. Fiveson, Esq., of Butler, Fitzgerald & Potter, dated September 17, 1999, representing Mr. and Mrs. Harry A. Jacobs, Jr., of 29 North Broadway, owners of a parcel immediately east of Mackie & Martucci parcel with respect to the ownership history of the two lots in the parcel. Village Counsel confirmed that the two Jacobs lots are merged. The Chairman noted that because of the merger there was no issue concerning access to what was formerly the westerly lot of the Jacobs property.

The Applicant was told by the Board that current plan must be revised to show more information about utilities and should be sent to Mr. Mastromonaco for his review. The Application was carried over to the November 3, 1999 meeting.

**IPB Matter #98-44:**

**Application of Joseph & Denise Ciccio and Mitchell & Sheri Cherick for subdivision of property at Riverview Road.**

Norman Sheer, Esq., appeared for the Applicant, and asked if the Board thought it was timely yet to proceed to consideration of this Application. He was advised that the Board thought it preferable to await further progress on the Westwood Application. Mr. Sheer was asked if his clients had spoken to Westwood's representative about making a connection from their property to the sewer lines to be installed to service the Westwood Development. Mr. Sheer said there had been some discussion but no agreement reached because of the price Westwood was asking to permit the hookup. There was no public comment. The Application was carried over to the November 3, 1999 meeting.

**IPB Matter # 99-23:**

**Application of Irvington Associates for property at Lot(s) 25 & 31, Legend Hollow.**

Although appearing on the agenda there was no representation from Irvington Associates.

**IPB Matter #99-47:**

**Application of Danfor Realty Co. LLC, for Informal Discussion for property at 116 Main Street.**

Robert Reilly, Architect appeared for the Applicant. This was a preliminary hearing and all discussion was informal. The concept discussed was to subdivide the lot, which is in a two-family zone, and build two single family houses on the southerly lot to be created. Mr. Reilly asserted that in effect two single family houses were the same as one two-family house or could be connected to make them so. The Board expressed some skepticism about this argument. However another issue which arose was the access to the lot to be created and whether it would infringe on the Aqueduct Park which is the property of the Taconic State Parkway Commission.

Mr. Reilly was informed that a detailed survey would be required if he intends to proceed with the Application. In addition, Village Counsel was requested to determine the exact legal situation of the Aqueduct in the area of the proposed subdivision inasmuch as a portion of the Aqueduct in that area is already being used as a Village parking lot.

**IPB Matter #99-31:**

**Application of Danfor Realty for Subdivision  
of property (Fatato) at Harriman Road between  
Shady Lane and Park Road.**

Paul J. Petretti, Civil Engineer and Land Surveyor, appeared for the Applicant. The Chairman advised the Board that the affidavit submitted by representatives of the corporate owners of the Property to the effect that Applicant had authority from the corporate owners to proceed with the Application to sell the property would not satisfy the request of the Board made at its September meeting, which was for the opinion of counsel for the corporations that all corporate formalities had been met, and that the corporations were fully empowered to make the conveyance which is the subject of the Application. Accordingly, the Board said it would not proceed further with this matter until such an opinion of counsel was provided. However, the Applicant had presented various Deeds showing the easements on the property, and these were given to the Village Counsel with the request that he review them for accuracy as compared to the plans presented. At this point another member of the Fatato family who was present spoke up to inform the Board that the drawings presented by the Applicant showed a parcel she owned as consisting only of one-half acre whereas she has a Deed for a full acre which has been recorded. Village Counsel was also asked to investigate this claim.

**IPB Matter #94-03:**

**Application of Westwood Development  
Associates, Inc., for Limited Site Development  
Plan Approval for property at Broadway,  
Riverview Road and Mountain Road.**

Mr. Charles Pateman appeared for the Applicant. The Chairman read the Findings of Fact under the Remedial Legislation approved by the Board at its September meeting. The Board then considered additional Findings 11, 12 and 13, having to do with the number of houses on each tract and agreed to adjust the Site Capacity of Tract A to 16 dwelling units, Tract B to 12 dwelling units and Tract C to 8 units, subject in the case of Tract C to a reduction in the amount of permissible lot coverage and to an increase in side yard set backs, conditions which were agreed to by the Applicant. The Chairman said he would prepare a formal resolution incorporating all of the Findings of Fact and related Site Capacity adjustments for final consideration by the Board at its November meeting. The Board will then proceed to consider its SEQRA findings. There was also discussion regarding compost site, fence and waterbasin. A complete stenographic transcript was kept and is made part of the record of this proceeding.



The Board then considered the following administrative matters:

- Minutes of the Planning Board held on August 4, 1999, September 8, 1999, and September 21, 1999, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for November 3, 1999.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Allen Morris, Secretary